

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

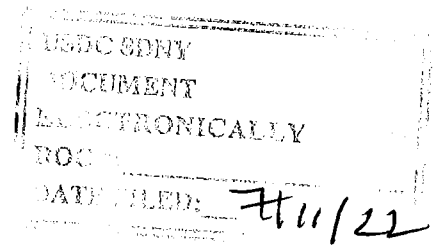
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PAULO T. DEFARIA,
Plaintiff,

v.

JL PAVERS INCORPORATED and JOSE DE
FREITAS,
Defendants.
-----X

ORDER

22 CV 3514 (VB)



On July 9, 2022, plaintiff Paulo T. DeFaria in this Fair Labor Standards Act case filed a settlement agreement (Doc. #14-1) and a statement explaining the basis for the agreement as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) Plaintiff's position as to the proper valuation of his claims;
- (ii) the risks and costs of continuing to litigate;
- (iii) that plaintiff is represented by counsel;
- (iv) the parties settled with the assistance of a mediator;
- (v) that plaintiff no longer works for defendants;
- (vi) that the release is limited to wage-and-hour claims; and
- (vii) that the settlement agreement does not contain a confidentiality or nondisparagement clause.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys' fees, which are one-third of plaintiff's net recovery, in addition to reimbursement of costs, to be fair and reasonable under the circumstances.

Finally, it is hereby ORDERED that this action is dismissed without prejudice to the right to restore the action to the Court's calendar, provided the motion to restore the action is made by no later than August 10, 2022. To be clear, any application to restore the action must be filed by August 10, 2022, and any application to restore the action filed thereafter may be denied solely on the basis that it is untimely.

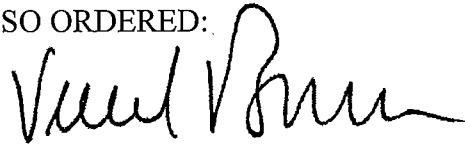
CONCLUSION

Accordingly, the parties' settlement agreement (Doc. #14-1) is APPROVED.

The Clerk is instructed to terminate the motion (Doc. #14) and close this case.

Dated: July 11, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge